



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: June 15, 2017
AGENDA DATE: June 21, 2017
PROJECT ADDRESS: 1608 Bath Street (MST2016-00434)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Irma Unzueta, Acting Senior Planner
 Betsy Teeter, Planning Technician II

I. PURPOSE OF HEARING

The purpose of this hearing is to consider the applicant's request that the Condition of Approval II.B. added by the Staff Hearing Officer to move the stairway entry to the hotel unit be rescinded.

II. PROJECT DESCRIPTION

The 6,250 square foot project site is currently developed with a 1,800 square foot residential duplex and detached 380 square foot two car garage. The proposed project involves converting the rear residential unit (500 square feet) to a hotel unit. No exterior changes are proposed.

On January 18, 2017, a Modification was granted for an Interior Setback Modification to allow the conversion of residential floor area to commercial floor area within the required six-foot interior setback along the southeast property line (SBMC § 28.21.060 and SBMC § 28.92.110). A Condition of Approval was imposed by the Staff Hearing Officer requiring the existing entrance stairway to the front door of the hotel unit to be reoriented so that access is taken directly from the driveway; subject to review and approval by Transportation Division staff. The applicant is requesting that this Condition of Approval be rescinded.

The discretionary application required for this project is an Amendment to the Conditions of Approval to rescind Condition II.B which requires the reorientation of the entry stairs to the hotel unit.

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301 and 15305 (Existing Facilities and Minor Alterations to Land Use Limitations).

III. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Michael Chiacos

Property Owner: Michael Chiacos

Parcel Number: 027-171-022	Lot Area: 6,250 sq. ft.
General Plan: Medium High Density Residential (15-27 du/acre)	Zoning: R-4
Existing Use: Residential Duplex	Topography: 2 % slope
Adjacent Land Uses:	
North – Residential	East - Residential
South – Residential	West- Residential

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1, 800 sq. ft.	No Change
Garage	380 sq. ft.	No Change.

C. PROPOSED LOT AREA COVERAGE

Building: 2,180 sf 35 % Hardscape: 1,332 sf 21 % Landscape: 2,738 sf 44 %

IV. DISCUSSION

The property currently has a permitted one story residential duplex and a detached 380 square foot garage. The project site was originally developed with a single family residence and later converted legally to a duplex. The existing duplex encroaches approximately 2 feet into the required interior setback along the southeast property line. No exterior changes or addition of new floor area are proposed to either the duplex or the garage. The applicant is proposing to convert the rear unit of the duplex to a commercial use for the purpose of creating a new vacation rental in the unit.

The change of use from residential to commercial required a Modification to permit a portion of the existing duplex building to encroach into the required six-foot interior setback. The Modification was approved on January 18, 2017, with a Condition of Approval added by the Staff Hearing Officer which required the existing entrance stairway to the front door of the hotel unit be reoriented so that access would be taken directly from the driveway. This condition was added in order to address neighbors' concerns related to privacy and noise impacts of the proposed commercial use of the property.

The Modification approval was appealed on January 27, 2017, due to opposition of the use of the rear unit as a vacation rental. Subsequently, the appellants were able to reach an agreement with the applicant to address their concerns with the project and the appeal was formally withdrawn on April 27, 2017. The applicant agreed to construct an eight foot high fence between the subject site and the adjacent northeastern property. The appellants believe this improved privacy barrier

will better address their concerns and therefore support the applicant's request to eliminate the Condition of Approval regarding the entry stairway.

In approving the Modification, the Staff Hearing Officer recognized that the hotel unit is an allowed use in this zone and, with the added Condition of Approval, was not anticipated to adversely impact the neighboring properties. The R-4 Zoning Designation allows for multi-family and hotel-motel use of the property. In addition, the proposed conversion of the rear unit to a vacation rental involves only a portion of the property while still preserving the residential character of the primarily residential neighborhood.

Staff supports the removal of the Condition of Approval to reorient the entrance stairs to the hotel unit because an alternate solution for protecting the privacy of the adjacent neighbors has been reached by the applicant and appellants. Therefore, Condition of Approval II.B., is no longer deemed necessary to protect the privacy of the adjacent neighbors.

V. RECOMMENDATION:

Staff recommends that the Staff Hearing Officer approve the applicant's request to remove Condition of Approval II.B which was added by the Staff Hearing Officer at the January 18, 2017, hearing to approve the Interior Setback Modification to allow the conversion of residential floor area to commercial floor area within the required six-foot setback. To ensure that privacy and noise concerns continue to be addressed, Staff recommends the following Condition of Approval be added in lieu of Condition II.B:

1. The applicant will construct a new eight foot high fence along the northeastern property line to provide a noise and privacy barrier to the adjacent property as shown on the attached plans (Exhibit A).

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated June 1, 2017

Contact/Case Planner: Betsy Teeter, Planning Technician II
(bteeter@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x 4563



City of Santa Barbara California

*** SEPARATELY DISTRIBUTED SITE PLAN ***

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.

Michael Chiacos
1608 Bath St.
Santa Barbara, CA 93101
805-284-4179

June 1st, 2017



Staff Hearing Officer
City of Santa Barbara
P.O. Box 1990
Santa Barbara, CA 93102-1990

Re: Request for an amendment to SHO Conditions of Approval 1608 Bath St, 027-171-022

Dear Staff Hearing Officer:

1. On January 18th, 2017, my project at 1608 Bath St. came before the SHO and was approved with two Conditions of Approval. One was recommended by staff, being II. A, The existing curb cut shall be revised. The other, II. B, The orientation of the entrance stairs shall be revised, was added by the SHO after hearing testimony from neighbors, who later appealed the project.
2. I came to a private agreement with the neighbors, and they dropped the appeal. Part of the agreement includes the project being revised to include a new, redwood fence, shown in the revised site plans. All neighbors agree that this new fence, and other conditions of our private agreement, are superior mitigation than re-orienting the stairs, and will make for a better project overall. As part of the agreement, the neighbors, while dropping the appeal, have stated in their letter they support me not needing to move the stairs, see attached.
3. Due to this support from my neighbors and in light of us working out a better solution amongst ourselves, and the additional cost it will represent, I respectfully request that the SHO drops the second Condition of Approval, II.2, the orientation of the entrance stairs shall be revised.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Chiacos", is written over a horizontal line. The signature is fluid and cursive.

Michael Chiacos